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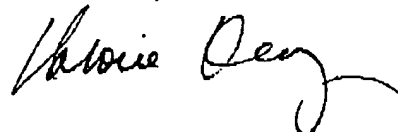
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THE ATTACHED DRAFT REFLECTS OUR PROPOSED  
RESPONSE TO THE O.A. DATED 5/20.

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**In the United States Patent and Trademark Office**

Appn. Number: 10/822,176  
Appn. Filed: 04/12/2004  
Applicants: James Gerard Dobihal, Valorie Klemz  
Title: Night reflective fringe for people, animals and vehicles  
Examiner/GAU: Mark A. Robinson/2872

Saint Paul, MN, 2005 July 29 Fri

Amendment A

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Letter mailed 05/20/2005, please amend the above application as follows:

- ☒ SPECIFICATION: Amendments to the specification begin on page 2 of this amendment.
- ☒ CLAIMS: Amendments to the claims begin on page 4 of this amendment.
- ☒ REMARKS begin on page 5 of this amendment.

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**SPECIFICATION:**

**Title:** Replace with the following new title – Night Reflective Fringe for People and Vehicles,  
[Night reflective fringe for people, animals and vehicles]

Page 3, after the first paragraph, add the following new paragraph:

Inventions to aesthetically enhance vehicles using fringe (Burger, U.S. Pat 2,508,812) do not provide for safety elements.

Page 3, first paragraph under Object and Advantages, replace the last sentence with:

The advantages of this ~~new use~~ invention are increased safety, visibility, desirability and acceptance on clothing, ~~pet accessories~~ and vehicles.

Page 4, third paragraph, replace with the following:

It is another objective of the present invention to provide dramatically improved nighttime aesthetics, visual appeal and visibility for clothing, ~~pet accessories~~ and vehicles.

Page 4, fifth paragraph, replace with the following:

The present invention transforms desirable light-visible design features into day/night design and safety features by incorporating retro-reflective materials onto fringe-like trim for clothing, ~~pet accessories~~ and vehicles.

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Page 8, first full paragraph, replace with the following:

Further, the effect of using retro-reflective fringe on moving people or vehicles ~~or animals~~ also increases safety by providing unavoidably enhanced night visibility properties when struck by a beam of light from headlights, street lights, flashlights, etc. Nighttime affects are directly related to the length and number of fringe-like picces hanging from the garment, vehicle, bicycle, ~~leash~~, etc.

Page 8, second paragraph, replace with the following:

Therefore, the Fringe incorporates the new use and transformation of desirable design features into day/night design features for increased safety, visibility, desirability and acceptance on clothing, ~~pet accessories~~ and vehicles.

Page 9, first paragraph, replace with the following:

The Fringe-like members may be of any length, and any means may be used to gather the members. The fringe may be applied to any item of clothing, footwear, ~~pet accessory~~, motorized vehicle and non-motorized vehicle.

Page 10, first paragraph, replace the first line with the following:

Night reflective fringe for clothing, ~~pet accessories~~ and vehicles comprising a multitude of

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**CLAIMS:** *The following is a listing of all claims in the application with their status and the text of all active claims.*

1. (CURRENTLY AMENDED) Retro-reflective fringe to improve conspicuity of apparel and accessories for people, and for motorized and non-motorized vehicles, comprising:
  - a. A plurality of fringe-like members of any length, width or diameter,
  - b. Said members comprised of retro-reflective properties on all or part of one or more surfaces.

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**REMARKS – General**

By the above amendment, applicants have amended the title and specification to emphasize the novelty of the invention.

Also, applicants have rewritten all claims to define the invention more particularly and distinctly so as to overcome the technical rejections and define the invention patentably over the prior art.

**New Claim Overcomes Rejection on Bozzacco**

The last O.A. rejected independent Claim 1 as being anticipated by Bozzacco. Claim 1 has been amended to define patentably over this reference. Applicants request reconsideration of this rejection, as now applicable to amended Claim 1 for the following reasons:

- (1) There is no suggestion in Bozzacco or in any other prior art to modify, adapt or alter prior art to meet the new claim.
- (2) The invention solves a different problem than the reference, and this different problem is recited in the claims. *In re Wright*, 6 USPQ2d, 1959 (1988).
- (3) The invention offers an unappreciated advantage for aesthetics and safety.
- (4) The invention solves a long felt, unmet need to increase safety with an appealing, acceptable design.
- (5) The invention offers now, disproportionate and therefore unexpected results and hence is unobvious and patentable over the reference.
- (6) If the invention were obvious, those skilled in the art would have implemented it by now.

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### **The Reference and the Differences of the Present Invention Thereover**

Prior to discussing the claims and the above six points, applicants will first discuss the reference and the general novelty of the present invention and its unobviousness over the reference.

**Bozzacco** shows a safety collar for pets that comprises elongated reflective attachments of sufficient length to be visible on animals with long hair. The reference offers an invention designed exclusively for the safety of longhaired animals.

Until now, no one thought of combining retro-reflective materials and fringe to improve conspicuity for both form and function at night for people and vehicles. Even the reference, while showing nine detailed drawings of pet collars with elongated attachments, did not show the elegant use of retro-reflective materials on fringe, as is done in the present invention. This invention differs from all other prior art by leveraging this appealing, sought-after style element -- fringe -- with retro-reflective materials to both enhance the style with nighttime visibility and provide an added safety benefit. Because this has never before been conceived or implemented, its advantages were neither known nor appreciated.

### **Bozzacco Does Not Suggest Modification**

There is no suggestion in **Bozzacco**, or in any other prior art, to modify prior art to meet the new claim. **Bozzacco** seeks to provide a safety device to protrude beyond long animal hair. The elongated attachments are not meant to flow in air, they are meant to lay atop the long hair as in

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a web so as not to be obscured by the animal's hair. No suggestion is made that this be modified for use by people or on vehicles.

Thus, applicants submit that Claim 1, so amended, clearly recites novel physical subject matter, which distinguishes over Bozzacco.

#### **The Invention Solves a Different Problem**

Bozzacco seeks to provide a device to improve the safety of longhaired animals. Only the use of elongated strips on a pet collar is described and claimed. No mention is made about the safety of people or the conspicuity of vehicles.

The present invention, with amended Claim 1, solves an entirely different problem by providing a means to improve conspicuity for people and vehicles for safety and aesthetic appeal.

Thus, applicants submit that Claim 1, so amended, solves a different problem than Bozzacco, clearly recites novel physical subject matter, and is therefore patentable over the prior art.

#### **The Invention Offers an Unappreciated Advantage**

The invention offers an unappreciated advantage for aesthetics and safety. Until now, those skilled in the art did not consider the advantage of making fringe visible at night using retro-reflective material, nor did they consider incorporating the safety benefits into the appealing fringe design element. Incorporating retro-reflective materials into fringe makes the fringe nighttime visible for improved aesthetic appeal – an entirely new concept. Creating night-visible fringe using materials known for safety, not style, is a novel, unobvious physical feature, never before appreciated.

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Thus, applicants submit that the invention offers an unobvious advantage for both aesthetics and safety.

**The Invention Solves a Long Felt, Unmet Need**

There has long been a widely unmet need to increase nighttime safety with an appealing, acceptable design, especially for those driving motorcycles. The popularity of the I See Motorcycles bumper stickers attest to the pervasive, unmet need to improve the conspicuity of motorcycles and their drivers. The invention solves the problem by leveraging a long-appreciated, well-accepted design element -- fringe -- for safety, thus adding a new function to the existing form.

Thus, applicants submit that the invention solves a long-felt, unmet need in an unobvious manner.

**The Invention Offers New, Disproportionate -- Therefore Unexpected -- Results.**

By combining a popular design element with the safety features of retro-reflective materials, wearers will not only increase their safety at night, the fringe ornamentation will be nighttime visible, thereby also enhancing the design. For the first time since the existence of fringe which pre-dates the days of Butch Cassidy or Wild Bill Hickok, the fringe worn by people or used to adorn a vehicle will be visible at night when incident light is reflected off the surface. The flow of the reflected fringe will be bright and eye-catching, further enhancing its safety value.

Thus, applicants submit that the invention introduces novel results leveraging fringe and retro-reflective materials in an unobvious manner.

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### **Lack of Implementation**

Despite the value in the invention, those skilled in the art have not implemented it. Given the duration of time that both fringe and retro-reflective materials have existed, yet have never before been combined to improve conspicuity for people or vehicles, it stands to reason that the invention is not obvious.

Thus, applicants submit that their invention is novel, and that the lack of implementation is further evidence of its unobviousness.

### **Burger Reviewed**

Burger's invention of bicycle streamers, Reference A, was reviewed by applicants. Burger shows streamers purely for bicycle ornamentation; no mention is made of safety features or retro-reflective material. Thus, applicants note the reference and submit that their invention solves a different problem than the reference. Applicants submit that their invention provides for a novel use of safety features incorporated into the fringe design element.

### **Conclusion**

For all the reasons given above, applicants respectfully submit that the errors in the specification are corrected, and the claims define over the prior art under Section 102 by providing a novel device to improve conspicuity for people and vehicles. Further, the claimed distinctions are of patentable merit under Section 103 because of the new results provided of dramatically improved nighttime form and function of the fringe, making it visible at night which improves the design

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and offers added safety advantages. Accordingly, applicants submit that this application is now in full condition for allowance, which action applicants respectfully solicit.

**Conditional Request for Constructive Assistance**

Applicants have amended the specification and claims of this application so that they are proper, definite, and define novel structure, which is also unobvious. If, for any reason this application is not believed to be in full condition for allowance, applicants respectfully request the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P. § 2173.02 and § 707.07 (j) in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.

Very respectfully,

Valorie Lynn Klemz

James Gerard Dobihal

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